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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,874

06/19/2006

Michael Lobb

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EXAMINER

CAMPBELL, KELLIE L

ART UNIT

PAPER NUMBER

3691

NOTIFICATION DATE

DELIVERY MODE

03/30/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
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Office Action Summary	Application No. 10/563,874	Applicant(s) LOBB ET AL.	
	Examiner KELLIE CAMPBELL	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-129 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-22, drawn to **a method of monitoring a database**.

Group II, claim(s) 23-52, drawn to **a system and method of processing a workflow**.

Group III, claim(s) 53-126, drawn to **a system and method of compiling a financial report**.

Group IV, claim(s) 127-129, drawn to **a subscriber database** for storing a record for subscribers.

2. The inventions listed as Groups I, II, III, and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the inventions are directed to materially different systems or methods. Groups I, II, III, and

Art Unit: 3691

IV are directed to fundamentally different methods or system that do not share specific technical features in order to operate. Since Groups I-IV have different designs, modes of operation, and effects, they do not overlap in scope and are not obvious variants, and each is separately usable.

Inventions I and II do not relate to a single general inventive concept under PCT Rule 13.1. Groups I and II have different designs, modes of operation, and effects and lack the same or corresponding special technical features. In the instant case, Group II requires processing a workflow comprising a plurality of tasks, in which completion of at least one task is notified by instant messaging which does not require notifying a database subscriber by instant messaging when an entry in the database is altered, as required by invention I.

Inventions I and III do not relate to a single general inventive concept under PCT Rule 13.1. Groups I and III have different designs, modes of operation, and effects and lack the same or corresponding special technical features. In the instant case, Group I requires notifying a database subscriber by instant messaging when an entry in the database is altered which does not require responsive to said instant messaging notification, checking a report for regulatory compliance, as required by invention III.

Inventions I and IV do not relate to a single general inventive concept under PCT Rule 13.1. Groups I and IV have different designs, modes of operation, and effects and lack the same or corresponding special technical features. In the instant case, Group I requires notifying a database subscriber by instant messaging when an entry in the

Art Unit: 3691

database is altered which does not require the subscriber database being associated with the notification of reports by instant messaging, as required by invention IV.

Inventions II and III do not relate to a single general inventive concept under PCT Rule 13.1. Groups II and III have different designs, modes of operation, and effects and lack the same or corresponding special technical features. In the instant case, Group II requires processing a workflow comprising a plurality of tasks, in which completion of at least one task is notified by instant messaging which does not require responsive to said instant messaging notification, checking the report for regulatory compliance, as required by invention III.

Inventions II and IV do not relate to a single general inventive concept under PCT Rule 13.1. Groups II and IV have different designs, modes of operation, and effects and lack the same or corresponding special technical features. In the instant case, Group II requires processing a workflow comprising a plurality of tasks, in which completion of at least one task is notified by instant messaging which does not require the subscriber database being associated with the notification of reports by instant messaging, as required by invention IV. See MPEP § 806.05(d).

Inventions III and IV do not relate to a single general inventive concept under PCT Rule 13.1. Groups III and IV have different designs, modes of operation, and effects and lack the same or corresponding special technical features. In the instant

Art Unit: 3691

case, Group III has separate utility such as a system and method of compiling a financial report which does not require [a] subscriber database being associated with the notification of reports by instant messaging, as required by invention IV.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement

Art Unit: 3691

may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kellie Campbell whose telephone number is (571) 270-

Art Unit: 3691

5495. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5 pm est. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KC

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691